			UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 223 www.uspto.gov	Trademark Office OR PATENTS
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,880	10/07/2004	Sidney C. Alford	16170.1	1313
22913 7590 10/17/2006			EXAMINER	
WORKMAN NYDEGGER			ELDRED, JOHN W	
(F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			ART UNIT	PAPER NUMBER
			3641	
	,		DATE MAILED: 10/17/2006	6

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/500,880	ALFORD, SIDNEY C.				
Office Action Summary	Examiner	Art Unit				
	J. Woodrow Eldred	3641				
The MAILING DATE of this communication app Period for Reply	bears on the cover sheet with the o	correspondence address				
<ul> <li>A SHORTENED STATUTORY PERIOD FOR REPL' WHICHEVER IS LONGER, FROM THE MAILING D.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If NO period for reply is specified above, the maximum statutory period V.</li> <li>Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>	ATE OF THIS COMMUNICATIO 36(a). In no event, however, may a reply be the will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE	N. nely filed n the mailing date of this communication. ED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on	<u>     .</u> .					
2a) This action is <b>FINAL</b> . 2b) This	action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>1-7 and 9-20</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) <u>1-7, 9-20</u> are subject to restriction an	d/or election requirement.					
Application Papers						
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the prio		ed in this National Stage				
application from the International Burea	•	1				
* See the attached detailed Office action for a list	of the certified copies not receive	ed.				
Attachment(s)						
1)       Notice of References Cited (PTO-892)       4)       Interview Summary (PTO-413)         2)       Notice of Draftsperson's Patent Drawing Review (PTO-948)       Paper No(s)/Mail Date.						
<ul> <li>a) Information Disclosure Statement(s) (PTO/SB/08)</li> <li>Paper No(s)/Mail Date</li> </ul>	5)					
U.S. Patent and Trademark Office						

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- I. Claims 1-7, 9-11, and 16 are, drawn to a disruptor with an adjustable projectile wall position, classified in class 102, subclass 443.
- II. Claims 12 and 13, drawn to a method of filling a disruptor with a projectile placed in one position, classified in class 86, subclass 12.
- III. Claims 14 and 15, drawn to a method of filling a disruptor with movement of the container wall, classified in class 86, subclass 20.1.
- IV. Claims 17-20, drawn to a disruptor with a ring that forces a projectile against an explosive, classified in class 86, subclass 43.

The inventions are distinct, each from the other because of the following reasons: 2. Inventions I-V are directed to related apparatus and processes for a disruptor. The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed are distinct for the following reasons. Group III involves the positioning of the container wall, while the other Groups involve the positioning of the projectile wall. Group II involves the positioning of the projectile wall in one position that results in a filled enclosure, while Groups I and IV involve the placement of the projectile wall to define an enclosure space for explosives, while Group IV involves a ring that forces a wall of the projectile against an explosive. Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.

3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

## Application/Control Number: 10/500,880 Art Unit: 3641

4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Woodrow Eldred whose telephone number is 571-272-6901. The examiner can normally be reached on Monday to Thursday, from 8:00 a.m. to 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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J. Woodrow Eldred Primary Examiner Art Unit 3641